

REMARKS

Claims 19-27 have been amended. Claim 19 has been amended to clarify that the sago starch is added to the composition, which was obvious from the claims and specification. Claims 20-27 have been amended by changing their dependencies from cancelled claim 18 to claim 19.

Claims 9 and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Eden, et al (US 4,874,628). Claim 9 claims a composition comprising a sago starch with a water fluidity (WF) of from about 40 to 80, and water, and claim 19 claims a method for increasing the gel strength of a composition by adding such starch. Sago starch which has been converted to the specified WF is novel in that it unexpectedly gels to form a strong gel, compared to other bases which have been similarly converted. See for example figures 1 and 2 of the present application which compares converted starches of different bases at a variety of WF values. Eden discloses a variety of converted starches, corn, potato, sweet potato, rice, sago, tapioca, waxy maize, sorghum, and the like. However, he not only recognizes that sago is different from the other bases, but also Eden never specifies that the range of WF from 40-80. Looking at the examples, corn starches are the only converted bases used. A 65 WF corn starch is mixed in with the high amylose starch in some of the examples, but as can be seen from the figures of the present application, corn starch with a WF in this range is does not form a strong gel as would a similarly converted sago starch. Further, as can be seen from Example VII, the high amylose starch gives the gelling property to the confectionary dispersion, not the unconverted corn starch. This is also stated in the background. Thus, it is clear that claims 9 and 19 are novel in view of Eden.

Claims 10-15 and 20-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eden, et al (US 4,874,628). The Examiner states that since "the sago starch in Eden et al has the same physical characteristics as applicant's starch, Eden et al's sago starch will obviously have the same gel strength claimed by applicant." As described above, Eden et al. does not

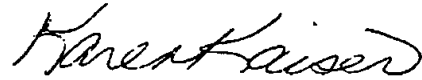
use the same sago starch claimed by applicant, and thus this rejection has been overcome.

Claims 16, 17, 26, and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eden, et al (US 4,874,628) in view of Jeffcoat, et al. (US 6,488,980), Park (US 4,784,871), or Yuan (US 6,017,388). The Examiner states that it "would have been obvious to use the sago starch in Eden, et al. as a thickener for yogurt since it is conventional to thicken yogurt with starch," as evidenced by the other references. However, as Eden does not use the same sago starch claimed by applicant, this rejection has been overcome.

Claims 19-27 have been rejected under 35 U.S.C. § 112 as being indefinite because the claim fails to recite to what the sago starch is added. Claim 19 has been amended to remedy this matter and claims 20-27 depend therefrom, thus overcoming this rejection.

Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,



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